

1 David Rucker P-29892  
2 P.O. Box 689 DW-113U  
Soledad, CA 93950

4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

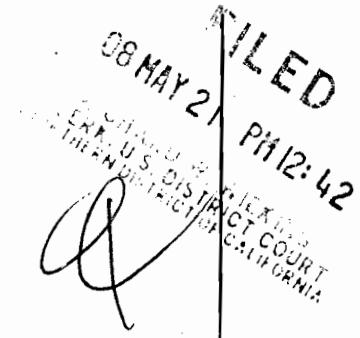
6 **David Rucker, et.al** ) No. C08-1497JSW (PR)  
7 Plaintiff )  
v. ) REQUEST FOR APPOINTMENT  
8 Ben Curry, Warden ) OF COUNSEL  
9 Deffendant )

I, David Rucker, declare that I am a plaintiff to the above-referenced matter, that I am incarcerated at Correctional Training Facility, Soledad California.

In accordance with the Federal Rules of Civil Procedure, Rule 23, "One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class." An action may be maintained as a class action if the above subdivision are satisfied.

Plaintiff's request the court to issue an order certifying this action as a class action, and issue the appointment of class counsel under Rule 23(g).

I hereby request that counsel be appointed in this matter so that the plaintiffs and close B custody inmate population here at the Correctional Training Facility, Central Facilities interests



1 may be protected by the professional assistance required.

2 This request is being made in accordance with the courts  
3 decision to dismiss several plaintiff's in this petition.

4 Because plaintiffs are prisoners in a state prison, we are unable  
5 to represent each other in a Class Action Lawsuit. This action  
6 was filed as a class action from the beginning, and plaintiff's  
7 would like it to remain as such.

8 Plaintiff are also unable to afford to pay for their on counsel  
9 to represent the issues in this matter.

10 I declare under penalty of perjury that the foregoing is true  
11 and correct and this declaration was executed on May 19, 2008, at  
12 Soledad, California.

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14 DAVID RUCKER  
15 Plaintiff Pro-Se

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